CITY OF NEWARK

PUBLIC PARTICIPATION PLAN (PPP)

INTERIM REPORT

1 INTRODUCTION

Appendix A of the New Jersey Pollutant Discharge Elimination System (NJPDES) General Permit NJ0105023 for Combined Sewer Systems (CSS) requires all public entities with combined sewer systems to employ a public participation process in developing a Long-Term Control Plan (LTCP). Public participation is required to ensure the opportunity for public involvement in the decision-making process of developing, evaluating, and selecting Long Term Combined Sewer Overflow (CSO) Controls. The public participation process will involve citizens in the process of development and implementation of CSO alternative solutions that protect the waters of the State of New Jersey and in considering the financial impacts of the community using a holistic approach.

2 DESCRIPTION OF THE LONG-TERM CONTROL PLAN

2.1 NJDEP General Permit Requirements

On April 19, 1994, under 59 Federal Regulation 18688, the United States Environmental Protection Agency (USEPA) published the National Combined Sewer Overflow Control Policy as a national framework for control of CSOs through the National Pollutant Discharge Elimination System (NPDES) permitting program. The policy, resulting from negotiations among municipal organizations, environmental groups, and State agencies, provides municipalities and State and Federal permitting authorities the guidance on how to meet the Clean Water Act's pollution goals as flexibly and cost effectively as possible. The CSO Control Policy provides four fundamental principals to ensure that CSO controls are cost-effective and meet local environmental objectives as follows:

- Clear levels of control to meet health and environmental objectives;
- Flexibility to consider the site-specific nature of CSOs and find the most cost-effective way to control them
- Phased implementation of CSO controls to accommodate financial capabilities; and
- Review and revision of water quality standards during the development of CSO control plans to reflect the site-specific wet weather impacts of CSOs.

Communities with combined sewer systems are further required to develop long-term CSO control plans to ultimately provide full compliance with the Clean Water Act and attainment of water quality standards.

On June 30, 2004, the NJDEP revoked the NJPDES General Permit NJ0105023 and reissued Appendix A of the General Permit to integrate the USEPA requirement for all permittees to facilitate the development of a CSO LTCP including the following elements:

2.1.1 Public Participation Program

All permittees are required to implement a Public Participation Plan (PPP) to ensure the opportunity for participation of the public throughout the LTCP development process as defined in Appendix A of the General Permit. The PPP will provide access to the decision-making process, seeking input from and conducting dialogue with the public, assimilating public viewpoints and preferences, and demonstrating that viewpoints and preferences have been considered by the decision-making officials.

2.1.2 Cost and Performance Analysis for CSO Points Operation

All permittees of CSO Points are required, at a minimum, to develop and evaluate control alternatives for each CSO Point that will provide continuous year-round disinfection prior to discharge for numerous pathogen control performance objectives depending upon the surface water classification for CSO receiving waters. The required disinfection processes and disinfection technologies are outlined in Appendix B of the General Permit.

2.1.3 Cost and Performance Analysis for Combined Sewer Collection and Conveyance System Operation

All permittees of Combined Sewer Collection and Conveyance Systems are required to develop and evaluate controls that will result in the reduction of the frequency of CSO discharge events without increasing the peak volumetric flow rate of wastewater conveyed to the Domestic Treatment Works (DTW) for treatment. At a minimum, the range of frequencies of occurrence, based on an average hydrologic year, will include the following:

- Zero overflow events per year;
- an average of (3) overflow events per year;
- an average of (7) overflow events per year;
- an average of (12) overflow events per year; and
- an average of (20) overflow events per year.

The required control technologies are detailed in Appendix C of the General Permit.

2.1.4 Cost and Performance Analysis for Combined Sewer Collection and Conveyance Systems and CSO Control Facilities Operation

All permittees of Combined Sewer Collection, Conveyance Systems and Combined Sewer Overflow Control Facilities are required to develop and evaluate a range of CSO control alternatives that would achieve incremental reductions in CSO flows and incremental increase in the conveyance of wastewater from CSO control facilities to the DTW. At a minimum, the performance objectives, based on current average daily flow tributary of each CSO Point, will include the following:

- Two times the average dry weather peak volumetric flow rate of the CSS area;
- Four times the average dry weather peak volumetric flow rate of the CSS area;
- Six times the average dry weather peak volumetric flow rate of the CSS area; and
- Eight times the average dry weather peak volumetric flow rate of the CSS area.

The required control technologies are listed in Appendix D of the General Permit.

2.1.5 Cost and Performance Analysis Report

All permittees are required to develop and submit a Cost and Performance Analysis Report that demonstrates the relationship among the set of CSO control alternatives in terms of a specified performance objective and the projected construction/implementation costs for each CSO Point and/or conveyance facility as defined in Appendix E of the General Permit.

2.2 LTCP Scope of the Planning Effort

The City of Newark as the identified permittee, owns and operates several elements of the Combined Sewer Systems (CSS) and will accordingly develop, implement and maintain a Long-Term Control Plan as required by the NJDEP revoked and reissued NJPDES General Permit NJ0105023 for Combined Sewer Systems (CSS) including the following elements:

- CSO Points
  The City owns and operates CSO Points and will therefore develop and evaluate a range of CSO control alternatives that will achieve incremental reductions in the loadings affecting receiving water bacteria quality in terms of Fecal Coliform and Enterococci. The cost and performance relationship demonstrated by these analyses will be reported in both narrative and graphical forms.

- Combined Sewer Collection and Conveyance Facilities
  The City owns and operates part of the Combined Sewer Collection and Conveyance Facilities, specifically the collection system, and will therefore evaluate control measures that reduce the annual frequency of CSO discharge events based on an "average hydrologic year" for each range of frequencies of occurrence specified in the General Permit. At a minimum, the City will develop and evaluate the Combined System Controls and Storage Technologies listed in Appendix C.

- Combined Sewer Overflows Control Facilities
  The City owns and operates CSO Control Facilities or regulators and pump stations that control the volumetric flow rate at which sewage is conveyed to the Passaic Valley Sewerage Commissioners (PVSC) Domestic Treatment Works (DTW) for treatment and ultimate disposal and will therefore develop and evaluate control measures that will result in an increase in the conveyance of wastewater from CSO Control Facilities to the DTW or wastewater treatment facility for treatment. The City will evaluate the cost of increasing the conveyance of wastewater to the DTW by modifying the CSO Control Facilities or regulators and increasing the conveyance capacities/capabilities of the conveyance system between the regulators and the DTW.

The above components of the LTCP will also include the required PPP and Cost and Performance Analysis Report. Therefore the City of Newark is responsible for the completion of all five required elements of the LTCP:

- Public Participation Program;
- Cost and Performance Analysis for Combined Sewer Overflow Points Operation;
- Cost and Performance Analysis for Combined Sewer Collection and Conveyance System Operation;
- Cost and Performance Analysis for Combined Sewer Collection and Conveyance Systems and Combined Sewer Overflow Control Facilities Operation; and
- Cost and Performance Analysis Report.

2.3 City of Newark Water Quality Issues

The City of Newark is located on the Passaic River at the river's convergence with Newark Bay, discharging to Lower New York Bay. Approximately 50% of Newark is served by combined sewers systems (CSSs) and the remaining area by separate storm and sanitary sewer systems (SSSs). Much of the City's 300 miles of collection sewers were constructed over 100 years ago. Sewage is delivered via 22 regulators to the PVSC Plant by two gravity interceptors:

- The PVSC Main Interceptor, also serving parts of Bergen, Essex, Hudson, and Passaic Counties; and
- The Newark Southside Interceptor.

Newark has 20 outfalls, including four twin outlets. Fifteen outfalls discharge to the Passaic River and five to Newark Bay via the Peripheral Ditch at Newark Airport. Three storm sewer outfalls provide relief to combined sewers. Tributary areas of CSO outfalls vary from 3 to 1770 acres.

The following describes the available information about Newark's sewer system and environment that affect CSO flow and pollutant discharge to Passaic River and Newark Bay.

2.3.1 CSS History and Development

Newark's CSSs were constructed between 1830 and 1930. Dry weather flow and stormwater discharge initially flowed untreated into the Passaic River and the old Newark Meadows drainage basin adjacent Newark Bay. The PVSC treatment plant and interceptor system initiated operations in 1924 to mitigate the pollution problems caused by the discharges. The PVSC treatment plant, the largest in New Jersey and fifth largest in the nation, was expanded in the late 1970's to provide the DEP required secondary treatment, and in the late 1980's to provide sludge treatment. A Peripheral Ditch was constructed as well, in the 1970's, around the Newark Airport complex to provide a much needed improved drainage outlet for southeastern Newark. The South Side Interceptor sewer was constructed in 1965 to convey dry weather flow from the area to the PVSC plant.

2.3.2 CSS Owner and Operation and Maintenance

The Main Interceptor is owned and operated by the PVSC, and the Southside Interceptor is owned by Newark and operated by the PVSC. Most of the regulators that control the flow into these interceptors are owned and operated by the PVSC. All float operated gates except those upstream of Waverly Ditch Outfall 027-029, have been abandoned or removed due to maintenance problems and obsolescence, and replaced with fixed orifices and remotely operated knife gates. The PVSC operator closes the gate at one or more of the interception points, when Plant flow nears 480 MGD. The gates are reopened after rain has ended and plant flow has stabilized at 480 MGD. The process is based on the PVSC assessment of the amount of throttling required for specific rainfall.

2.3.3 CSS and Area Description

CSSs serve approximately 50% of Newark. The largest separate sewer area is the southeastern industrial and airport area, draining stormwater to Newark Bay and sanitary sewage to the PVSC plant. The southeastern area of Newark along the Hillside Township and Vailsburg section are

also served by separate sewers, treated at the Essex-Union Joint Meeting Treatment Plant in Elizabeth. The separate sewer system in the northeastern section of the City is delivered to the PVSC Main Interceptor via an interceptor parallel to Second River.

Newark is established on relatively high hills with a ranging elevation up to 225 feet about mean sea level (MSL). The northern area of Newark along the Passaic River rises to steep elevations from the river. Approximately one-third of the City is located in low lying areas bordering Newark Bay.

2.3.4 CSS Service Area Population and Land Use Characteristics

The City of Newark was established in 1836, and experienced heavy growth with population soaring from 11,000 to136,000 between 1830 and 1880, increasing to 440,000 by 1930. From the year 1950, Newark's population began to decline, with the present population 275,000.

Newark's land use encompasses 25% residential, 22% commercial, 28% industrial and 25% space/parks. Residential sections are primarily located in the northern and western, higher elevated areas. Heavy industry is situated along the Passaic River and Newark Bay. The central area of Newark, lying in the Raymond-Saybrook Districts, consists of the commercial core. Newark airport occupies 2,000 acres, and is located in the southern part of the City.

2.3.5 Receiving Waters

Newark's CSOs discharge into the tidal Passaic River, and the tidal Adams, Wheeler, Peddie, Queen, and Waverly Ditches tributary to the Newark Airport Peripheral Ditch. The Meadowbrook relief outfall discharges into the freshwater Second River.

- Passaic River
  The 75 mile long Passaic River drains 935 square miles predominately in New Jersey, with only a small drainage area in southern New York. Reservoirs upstream collect the water supply of Newark and much of northern New Jersey. The Passaic River drops 33 feet at Beatties Dam, 63 feet at Great Falls in Paterson, and 17 feet over Dundee Dam in Garfield. It is tidal for approximately 17 miles downstream of Dundee Dam. The Semi-diurnal tide range at Newark is approximately 5.1 feet. At the USGS gauging station in Little Falls, the Passaic River has a long-term average flow of about 1,150 cfs from a draining area of 762 square miles.

  Eight miles further downstream of Little Falls, the Passaic River forms the City's eastern and northern boundary, with the river width varying between 350-700 feet. Seven railway bridges, seven highway bridges and several overhead electric power cables span

the river within the City boundary. The NJDEP classifies the River within City boundaries as SE-3. Water quality standards, according to the DEP, for SE-3 waters require dissolved oxygen concentrations not to exceed 3.0mg/l at any time and fecal coliform levels not exceed a geometric average of 1500/100ml.

- Peripheral Ditch
  Constructed in 1965, the Newark Airport Peripheral Ditch, is a relatively new serpentine tidal waterway, draining approximately 10 square miles of southern Newark and northeastern Elizabeth, and replacing Bound Creek, Dead Creek, and Peddie Canal formerly providing drainage to the area. The Peripheral Ditch extends four miles, varies in width between 100-200 feet, and encompasses the southeastern, southern, and western perimeter of the airport. Tide Gates regulate discharge to the Ditch. The NJDEP classifies the Ditch as FW2-NT waters, water quality standards that dissolved oxygen concentrations not exceed 4.0mg/l at any time and daily average not less than 5.0mg/l, and fecal coliform levels not exceed a geometric average of 200/100ml.

- Second River
  The seven (7)-Mile Second River drains approximately fifteen square miles of central Essex County to the Passaic River at the Newark-Belleville boundary. The River rises to approximately eighty feet, from its tidal Passaic River outlet, at Newark's Meadowbrook Park. Two miles west of Newark, in Bloomfield's Watsessing Park, the Second River divides; one branch extending northward to Montclair and one southwestward to West Orange. The West Orange treatment plant, at one time, discharging to the Second River, is now treated at Essex Union Joint Meeting Plant in Elizabeth. Relief sewer Outfall 001, a major tributary, discharges to Second River in Meadowbrook Park. The NJDEP classifies freshwater Second River along Newark's boundary as FW2-NT.

2.4 City of Newark Size and Make Up of the Affected Public

The City of Newark, located in Essex County, New Jersey, has a population of approximately 275,000 people within the following boundaries: the Towns of Kearny and Harrison, the tidal Passaic River and Newark Bay, to the east; the City of Elizabeth, to the south; Hillside Township, the Town of Irvington, the Village of South Orange and the City of East Orange, to the west; and Second River and the Towns of Bloomfield and Belleville, to the north. Newark serves as a major commercial and industrial center for the State of New Jersey, with many highways, railway bridges and seaports adjoining in the southeast area of the City. The Newark International Airport occupies an area of 2,000 acres. The City's land use breakdown is as follows: 25% residential; 22% commercial; 28% industrial; and 25% parks and undeveloped land. Residential land is predominately located in the north-west hilly terrain of the City, commercial land in central city, and industrial located southwest along the low-lying shores of the Passaic River and Newark Bay.

Almost one-half of Newark is serviced by SSSs. The largest SSS served area is the Port Authority of New York and New Jersey's Port Newark industrial area, and Newark International Airport in the southeast of the City. Sewers in these areas are owned and operated by the Port Authority. Sanitary sewage from Port Newark collects in a gravity system and is pumped across the Doremus Avenue Bridge by a pumping station, owned by the Port Authority, to the City's sewer system, while storm water drains to Newark Bay. Newark International Airport sanitary sewage collects in a gravity system and is pumped to the Southside Interceptor at Waverly Regulator, with stormwater drainage to Peripheral Ditch.

SSSs serve the industrial area in the northwest portion of Newark. Sanitary sewage is conveyed to the PVSC Treatment Plant, with stormwater discharged to the Passaic River. SSSs are also located in the southwestern area of Newark along Hillside Township border and Vailsburg, with sanitary sewage conveyance and treatment to the Joint Meeting of Essex and Union Counties Treatment Plan in Elizabeth. Lastly, SSSs serve the northwest section of Newark, conveying flow to both the PVSC Main Interceptor and Second River Joint Meeting Trunk Sewer.

The Eastern section of Queen District near Weequahic Park is also served by SSSs, however, sanitary sewers in the area eventually connect to CSSs. A small industrial section along Frelinghuysen Avenue and South Street contain SSSs, but are reportedly interconnected and sanitary sewers can receive stormwater.

Newark's remaining land, approximately 14.4 square miles, is serviced by CSSs. Newark's CSSs include 300 miles of collection sewers, some over 100 years old, that convey sewage via 22 regulators and two internal relief overflows to the PVSC Treatment Plant by two gravity interceptors; the PVSC Main Interceptor, constructed in 1924 and the Southside Interceptor, constructed in 1965. There are four permitted storm outfalls, in addition to the 22 regulators and two internal relief outflows.

Receiving waters for CSOs and storm outfalls include the Passaic River and Peripheral Ditch. The Peripheral Ditch, along the perimeter of Newark International Airport, was constructed by the Port Authority of New York and New Jersey in 1965 to improve drainage of the southwest section of Newark.

3 INTERIM REPORT ORGANIZATION

This report is divided into sections corresponding to the individual project tasks of the PPP as described in the Public Participation Work Plan (PPWP) submitted January 14, 2005 and a revised PPWP submitted May 13, 2005. In each report section a brief explanation of the respective task is provided along with the status of the task to date.

4 SEGMENTS OF PUBLIC TO BE TARGETED

The Newark LTCP planning process will involve many stakeholders, including: ratepayers; industrial sewer system users; elected officials; persons who reside downstream from CSO Points; environmental interest groups; and any other groups or individuals with concerns. Some concerns will be reoccurring, while others will be opposing viewpoints. Some concerns will be technical in nature, and others will be based on lack of information. The City of Newark will listen and consider these concerns in developing and implementing the LTCP. Responsible public officials, involved in decision-making, will become aware of public attitudes by seeking input and conducting dialogue with the public, assimilating public viewpoints and preferences, and demonstrating public viewpoints and preferences have been considered. The public participation process will involve citizens in the process of development and implementation of alternative solutions that protect the waters of the State and consider the financial impacts of the community using a holistic approach. Public participation will allow stakeholders to participate throughout the planning and decision-making process. Involving the public in the initial phases of planning identifies potential conflicts and constraints at an early stage to avoid problems in the final stages of LTCP development.

The City of Newark will conduct the required PPP to target various segments of the City's population. In examining the City's population it is recognized that the many groups that comprise the public will hold differing viewpoints and interests concerning CSOs and the LTCP. Therefore the PPP will use adaptive mechanisms to assure that communication will meet the individual needs and levels of understanding of all groups. Furthermore, as the issues to be presented will be technically complex, it will be necessary to present the information to the public in an understandable form using everyday language to avoid confusion and lack of understanding. The PPP will target the following public audiences:

- Government Representatives
- Public Interest Groups
- Persons with Economic Interests in the Proposed Project
- Rate Payers
- Industrial Users of the Sewer System
- Persons who Reside Downstream from the CSOs
- Persons who Actively Use and Enjoy Downstream Waters

4.1 Specific Issues for Public Comment

Communication with the targeted audiences will be conducted in a manner to achieve the highest level of public understanding. Initial public presentations will entail the history of Newark's sewer system, its framework and provide an explanation of how combined sewer systems function. Next the public will learn of CSO discharge pollutant loadings including the

environmental impacts of such discharges, control alternatives with consideration of both the costs and benefits and the water quality benefits or improvements anticipated. The public will learn of water quality standards and criterion set by the United States Department of Environmental Conservation (USDEC) and USEPA, use attainability and achieving compliance to the extent possible. The specific issues that will be discussed to solicit public comment include the following:

- Description of the City's Combined Sewer System;
- Description of the work required by the NJDEP General Permit and the reason for its proposal (general permit requirements, alternatives to evaluate);
- List of issues on which public comment/opinion is solicited;
- Description of water quality goals for each receiving water body;
- Explanation of CSO Control Performance Objectives and applicability to the types of facilities owned and/or operated by the Permittee; and
- Explanation of methodology to be employed in developing and evaluating CSO Control Alternatives.

5 INFORMATION DISSEMINATION MECHANISMS

The City of Newark will develop, prepare, and distribute dissemination mechanisms appropriate to the general public to involve citizens in the process of development of alternative solutions to protect New Jersey waters, and consider the financial impacts of the community as a whole. The following information will be presented to the public, during the development and evaluation of the LTCP:

- Water quality goals for each receiving water segment;
- CSO control goals for each receiving water segment as developed under the presumption; and/or demonstration approach options;
- Types of control alternatives available to meet CSO control goals;
- CSO control alternatives identified to meet the control goals; and
- Process of evaluating and comparing various alternatives for CSO control.

5.1 Notices

Notices will be prepared to inform the public, as follows: Citizen Advisory Committee members and meetings; scheduled PPP Public Meetings; and conclusion of the PPP and submittal of Public Participation Report due January 31, 2007.

5.2 Brochures

Informational brochures will be prepared for distribution at the Public Meetings. Brochures will be up to four (4) pages, updated biannually, and provided to the Citizen Advisory Committee (CAC) for distribution to the general public. The brochures will provide information concerning the public participation process and development status of the LTCP.

A draft informational brochure has been prepared titled, '2005 Stormwater and Combined Sewer Overflow (CSO) Pollution Prevention Plan', and is anticipated to be distributed as an individual mailing to the City of Newark water and sewer users. An outline of the draft brochure, currently under review, is as follows:

- Stormwater Runoff
  - Separate Sewer System (SSS)
  - Combined Sewer System (CSS)
- Potential Impacts
  - Water Quality & Human Health
  - Aquatic Life
  - Flooding
- NJDEP Regulations
- People Affect Stormwater Discharges
  - Residential Activities
  - Commercial Activities
  - Construction Activities
  - Industrial Activities
- Stormwater Pollution Plan (SPPP)
- CSO Pollution Plan
- Public Participation Program
- What a Resident can do?
  - Good Housekeeping
  - Lawn and Garden Care
  - Automotive Care
  - Pet Care
  - Water Use
- What a Construction Contractor can do?
  - Project Phasing
  - Diversion
- What an Industrial Facility can do?
- What a Commercial Business can do?

5.3 Newsletters

Up to four (4) biannual newsletters will be prepared in conjunction with the four (4) biannual Citizen Advisory Committee meetings. The Newsletters will include current information concerning the development of the LTCP. Newsletters will be mailed to CAC members, additional segments of the public to be targeted and included as a PDF file on the public participation website.

5.4 Project Website

A website will be set up for public participation information for the duration of the PPWP. The website will include the aforementioned newsletters, to allow for an additional means of informing the public. The website will be updated periodically as needed to provide current LTCP development.

The project website is in the process of construction. Initially the website will include a project overview as outlined in the draft brochure. Updating and maintenance of the project website will continue throughout the PPP as the Citizen Advisory Committee (CAC) is established; CAC meetings are scheduled and held; Public Meetings are scheduled and held;

6 CONSULTATIVE MECHANISMS

6.1 Citizen Advisory Committee (CAC)

The City of Newark will form a Citizen Advisory Committee (CAC) to serve as a consultative mechanism in the PPP. CAC members will serve as liaisons between municipal officials, the general public, and the New Jersey Department of Environmental Protection (NJDEP). The CAC will be limited to twelve (12) members.

A preliminary meeting will be held following the creation of the CAC, with biannual meetings scheduled thereafter. Up to four (4) meetings will be held throughout the public participation process to discuss the current process in developing the LTCP. At each of the four (4) scheduled CAC meetings, CAC members will be provided with prepared brochures to distribute to the public and will be responsible to report back to the City with public comment.

A list of potential CAC members has been prepared and is in the process of being reviewed by the City of Newark. The preliminary list is comprised of (12) potential CAC members; 5-6

names will be chosen to serve on the CAC. Furthermore a letter is being drafted to contact the 5-6 selected members with the first CAC meeting anticipated for Fall 2005.

6.2 Public Meetings

Two public meetings will be planned and executed. The general public will be notified of the date, time, and place of the meetings through publication of a one page Legal Public Meeting Notice in the Newark Star Ledger for a minimum of one day. The aforementioned list of issues will be used as an agenda for the meetings to address citizen concerns, and provide project information. Brochures will also be available at these meetings to provide additional information. A summary of the meeting minutes will be prepared following the public meetings, and will be mailed to those in attendance and posted on the project website.

The first public meeting is anticipated for Fall 2005 following the first CAC meeting. During this meeting citizens will be presented with an overview of the Stormwater and CSO Pollution Prevention Plans.

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8 PUBLIC PARTICIPATION SCHEDULE

The monthly schedule of activities depicting public participation activities that will occur throughout the PPP has been revised as follows in FIGURE 8, attached.